

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – *Draft*
November 20, 2014

Members Present

Bryan Provencal, Chairman
Bill O'Brien, Vice Chairman
Norma Collins, Clerk
Tom McGuirk
Ed St. Pierre

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

Chairman Provencal announced that Petition 52-14, 47 Ocean Blvd., had been withdrawn.

Chairman Provencal said that Petition 54-14, Donna's Lane, has been withdrawn and Petitioners have requested to continue at next month's meeting.

Moved by Mr. St. Pierre, seconded by Mr. O'Brien, to allow Petition 54-14, 47 Ocean Blvd., to be withdrawn and continued at the December 18, 2014 meeting at which time it will be first on the Agenda.

Vote: 5 yes, 0 no. Motion passed unanimously.

49-14...The continued Petition of Equity Alliance LLC for property located at 500 Lafayette Road seeking relief from Section 2.8 (D) (1), Section 2.8 (g) (Dimensional Standards – Maximum Stories/Feet), Section 2.8 (G) Dimensional Standards – Note 3.a; Section 8.2.1, Section 8.2.4, Section 8.2.6 to construct 136 units of multi-family housing spread over 6 buildings. A seventh building would house a community clubhouse and support an outdoor pool/patio. Total re-development of 7.65+/- acre site. This property is located on Map 143, 125 and 126, Lot 9, 44 and 31 in the TC-H, TC-H/TC-N & TC-N Zones.

Joel Cohen, Development Consultant for Equity Alliance, and Arnie Polack came forward. Mr. Cohen said this project involves three parcels owned in part by his client. It is a total of 7.65 acres. Mr. Cohen discussed past and present buildings on this property which is not in the flood plain or wetlands district. The property is partly residential and partly industrial.

Mr. Cohen said this would be a transitional type of project that works well with surrounding uses.

Mr. Cohen said traffic is a concern for some abutters, but this will be addressed with the Planning Board. There will be a clubhouse for residents which will make it pedestrian friendly. Residents will be able to walk to a supermarket, three pharmacies, restaurants, etc. The petitioners have met with Town department heads and have learned that there is adequate water and sewer. Mr. Cohen said they are aware of drainage problems, but have been assured this can be addressed.

Mr. Cohen said this is a \$30 million project. It will have six buildings with 136 units. A seventh building will be a clubhouse. There is plenty of parking. Mr. Cohen discussed the six variances they are requesting. He said this project would create community and a large tax revenue for the town. Mr. Polack then went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Collins said extension of retail is very important to the town. This project will not have any retail which is required by ordinance for the first floor.

Chairman Provencal said the square footage of recreational use was his concern. If two buildings were removed it would be possible to come close to what is required for recreation.

Mr. McGuirk said the variances being asked for are for ordinances that are brand new. The rail trail could be compromised. This is working against creating a downtown. This type of housing is needed, but not in the center of town. Mr. McGuirk said he felt this project is not in the best interest of the town.

Mr. St. Pierre said he felt the site was marginal for retail, but that he was somewhat okay with this proposal.

Comments from the Audience

Attorney Tom Phoenix, representing Joe Higgins, said they have reached an agreement to protect Lamies and Old Salt's parking and access. There will be a gate separating Lamies/Old Salt parking from the project.

Attorney Doug McDonnell, representing Thomas Moulton and Ken Lessard, said they were in opposition to the project. The town and public spent hours figuring out what to do with the Town Center. What was adopted has a particular vision. Also Section 2.8 was just passed. This would be abandoning whole portions of that Section. Therefore, it is hard to

see this as a hardship. This project does not reflect any of the requirements of Section 2.8. This is not a reasonable use in this part of town.

Attorney McDonnell said his clients have both commercial and industrial uses. They believe this project would be detrimental to their property values. The renters of the proposed units could complain about commercial and industrial uses such as noise, truck traffic, etc. This is just the wrong project and is too large and too urban.

Tom Moulton, abutter at 7 Scott Road said he was opposed to the project because of the density and scope.

Keith Lessard said he was not against development, but 136 units is too dense. There is no recreational area for children and no BBQ areas.

Back to the Board

Mr. St. Pierre asked if the buildings would have elevators. Mr. Cohen said they would not.

Back to the Board

Mr. O'Brien said the project is all buildings and parking. More green areas are needed mixed in with recreational space.

Chairman Provencal said he felt the project is too intense. He would suggest getting rid of some of the buildings and adding more recreational space.

Mr. McGuirk said many hours of work were spent on arriving at what the downtown should be. There were professional planners, people from the state, etc. The suggestions of these people should be adhered to.

Ms. Collins said this project was way too intense in a lot of respects. The variances requested are not small.

Mr. St. Pierre said he would encourage the petitioners to come up with something better.

Mr. Pollack asked if this petition could be tabled for a month so the issues brought up in this meeting could be addressed by the petitioners.

Moved by Mr. St. Pierre, seconded by Ms. Collins, to allow Petition 49-14 to be withdrawn without prejudice.

Vote: 5 yes, 0 no. Motion passed unanimously.

53-14...The Petition of Steven G. Shadallah, Esquire for property located at 4 Haverhill Ave. seeking relief from Article 1.3 and 4.5.1 for expansion of a non-conforming use by the addition of second and third floor living area within the setback but within the pre-existing footprint. To allow the construction of new front steps containing an additional 12 square feet within the front setback. To allow the addition of a second floor deck 2 feet 6 inches by 9 feet to be located 7 feet by 2 inches from the front setback where 20 feet is otherwise required. This property is located on Map 293, Lot 142 in the RB Zone.

Attorney Steven Shadallah, Robert Blair and Patricia Murphy came forward.

Attorney Shadallah said all of the building would be kept within the existing footprint. The petitioners also wish to move the steps and make them slightly wider. Mr. Blair said this property used to be a boarding house. They are basically taking the second floor and moving it over the porch. This will allow them to make bedrooms. They will also be adding a deck. They would like to move the entrance closer to the driveway and make the stairs more spacious. The deck on the second floor will also add to safety egress. Attorney Shadallah went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien asked if the third floor would impact any abutter's view. Attorney Shadallah said they did not think so, however their abutter disagrees. If there is an impact it will only affect one window.

Comments from the Audience

Janet Todd, 2 Haverhill Ave., said the window in her daughter's bedroom would be completely blocked. She said she also believes the value of their property would be diminished.

Back to the Board

Mr. St. Pierre said he supports someone's right to work within their footprint and he feels the improvement in the property is good.

Chairman Provencal said he had never granted a variance that impacts someone's view within the setbacks. He asked if the configuration could be changed a little so as not to block the abutter's view.

Mr. McGuirk said he did like this design.

Mr. Schultz discussed the proposed changes to the stairs. He said this would violate the deed restriction. The petitioners cannot do this with the stairs without a town vote.

Attorney Shadallah asked if this petition could be tabled and addressed next month.

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to continue Petition 53-14 until the December 18, 2014 meeting at which time it will be second on the Agenda.

Vote: 5 yes, 0 no. Motion passed unanimously.

BUSINESS SESSION

Approval of Minutes

Moved by Mr. St. Pierre, seconded by Mr. O'Brien, to approve the Minutes of October 16, 2014 as amended.

Vote: 5 yes, 0 no. Motion passed unanimously.

Adjournment

There being no further business, the meeting was adjourned at 10:17 p.m.

Respectfully submitted,

Joan Rice
Secretary